

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

J.W., a minor, by and through Amanda Williams, Guardian and Next Friend,

Case No. 3:21-cv-00663-CWR-LGI

v.

The City of Jackson, Mississippi; Chockwe A. Lumumba, Jr.; Tony Yarber; Kishia Powell; Robert Miller; Jerriot Smash; The Mississippi State Department of Health; Jim Craig; Trilogy Engineering Services, LLC; and John Does 1-40

Hon. Carlton W. Reeves  
Mag. LaKeysha Greer Isaac

*Defendants.*

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**RESPONSE IN OPPOSITION TO TRILOGY ENGINEERING SERVICES,  
LLC'S MOTION TO STIRKE CERTAIN PARAGRAPHS OF  
PLAINTIFF'S AMENDED COMPLAINT**

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Plaintiff, by and through their undersigned counsel and pursuant to L.U. Civ. R. 7 and Fed. R. Civ. P. 12(f), hereby submit this Memorandum of Law in Opposition to Defendant Trilogy Engineering Services, LLC's ("Trilogy") Motion to Strike Paragraphs 21, 22, 23, and 301 ("subject paragraphs") from Plaintiff's Amended Complaint.

1. Plaintiffs filed their Initial Complaint and Jury Trial Demand against the above-named Defendants in the United States District Court for the Southern District of Mississippi on October 19, 2021, alleging violations of Constitutionally protected rights, professional negligence, and simple negligence. (ECF No. 1) On February 17, 2021, Plaintiffs filed the Second Amended Complaint with the same causes of action against the same Defendants named above. (ECF No. 51)

2. On April 11, 2022, Trilogy filed an Answer (ECF No. 70) to Plaintiff's Amended Complaint. On April 12, 2022, Trilogy filed a Motion to Strike four paragraphs from the Amended Complaint (ECF No. 71). Shortly thereafter, Trilogy filed a Memorandum of Law in Support of its motion (ECF No. 72).

3. Trilogy's motion to strike is procedurally improper as it was filed after its Answer.

4. Further, Trilogy does not challenge the veracity of the allegations contained in each of the paragraph it seeks to strike. Instead, it seeks to strike the paragraphs to "avoid any prejudice against Trilogy." (ECF No. 72, ¶ 9). Further, Trilogy incorrectly asserts that the paragraphs are impertinent, immaterial, scandalous, and unfairly prejudicial.

5. The four paragraphs Trilogy seeks to strike are pertinent to Plaintiff's claims against Trilogy and other Defendants and are not scandalous.

6. In support of this Response, Plaintiff incorporates the accompanying Memorandum of Opposition to Defendant Trilogy's Motion to Strike.

WHEREFORE, Plaintiff respectfully requests that this Court deny Defendant Trilogy's Motion to Strike and allow Paragraphs 21, 22, 23, and 301 of Plaintiff's Amended Complaint.

Dated: May 2, 2022.

Respectfully submitted,

**LEVY KONIGSBERG LLP**

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 2, 2022, the foregoing document was filed via the U.S. District Court's CM/ECF electronic system and a copy thereof was served upon all counsel of record.

/s/ Kimberly L. Russell  
Kimberly L. Russell